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| 09/783,851 | 02/15/2001 | Frank Kelly | PD-200325 | 2636 |

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| EXAMINER |
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MEW, KEVIN D

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| ART UNIT | PAPER NUMBER |
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2664

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,851

Applicant(s)

KELLY ET AL.

Examiner

Kevin Mew

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Action

Response to Amendment

1. Applicant's Arguments/Remarks filed on 6/30/2005 regarding claims 1-28 have been considered. Claims 1-28 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 8-11, 15-18, 22-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (USP 6,023,242) in view of Adiwoso et al. (USP 5,963,862).

Regarding claims 1, 8, 15, 22, Dixon discloses a system to perform a method for automatically commissioning a user terminal to exchange traffic over a two-way satellite communication system (integrated telecommunications system that provides two-way user links to user terminals, see lines 41-44, col. 2 and Fig. 1), the method comprising:

means for establishing a channel over the beacon satellite (non-geostationary satellite, col. 6, lines 45-53) to a hub (establishing communication between a satellite and an Earth station, see col. 6, lines 38-67; note that the Earth station is a hub);

an earth based communications device comprising a processing unit (see element 203, fig. 3) with computer instructions to allow an antenna capable of receiving location information

associated with an antenna (obtaining an azimuth and elevation of said antenna, see col. 11, lines 9-30);

instructing a user to point the antenna to a beacon satellite using predefined pointing values based upon the location information (utilizing said satellite position data to calculate a position data of said satellite in relation to said location position, see lines 21-35, col. 2), wherein the beacon satellite serves as a temporary default satellite during the commissioning (non-geostationary satellite, col. 6, lines 45-53);

means for collecting user information to the hub (collecting user requirements to the Earth station via user control interface, see col. 13, lines 31-43);

means for receiving network configuration parameters (the Earth station receiving planned satellite position changes) and antenna pointing parameters downloaded from the hub (obtained antenna azimuth and elevation information from the Earth station, the antenna processor is configured to determine a direction in which to configure the antenna, see col. 13, lines 1-67 and col. 14, lines 1-24);

selectively instructing the user to re-point the antenna based upon the downloaded antenna pointing parameters (in response to said obtained azimuth and elevation data, determining a direction in which to configure an antenna for operation with said satellite, see lines 21-35, col. 2); and

configuring the user terminal based upon the downloaded network configuration parameters (configuring said antenna for operation in said direction, see lines 21-35, col. 2).

Dixon does not explicitly disclose the channel established between the satellite and the gateway is a temporary channel.

However, Adiwoso discloses each satellite transponder is capable of being allocated to an uplink beam and a downlink beam (see lines 27-31, col. 4 and lines 21-45, col. 9).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to combine the two-way satellite telecommunications system of Dixon with the temporary channel creation of the satellite system in Adiwoso such that a temporary channel is created between the satellite and the earth station such as the temporary channel taught by Adiwoso. The motivation is do so is to dynamically create a temporary channel for communications so that a flexible and temporary channel will be used to provide temporary programming time only when necessary rather than establishing fixed and long static channels in order to save more resources and be cost effective.

Regarding claims 2, 9, 16, 23, the combined system of Dixon and Adiwoso disclose all the aspects of the claimed invention set forth in the rejection of claim 1 above.

Dixon does not explicitly show the method according to claims 1, 8, 15, 22, wherein the beacon satellite in the establishing step has a designated default transponder to support the temporary channel.

However, Adiwoso discloses each transponder is capable of being allocated to an uplink beam and a downlink beam, see lines 27-31, col. 4 and lines 21-45, col. 9).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to combine the two-way satellite telecommunications system of Dixon with the temporary channel creation of the satellite system in Adiwoso such that a temporary channel is created between the satellite and the earth station such as the temporary

channel taught by Adiwoso. The motivation is do so is to dynamically create a temporary channel for communications so that a flexible and temporary channel will be used to provide temporary programming time only when necessary rather than establishing fixed and long static channels in order to save more resources and be cost effective.

Regarding claims 3, 10, 17, 24, the combined system of Dixon and Adiwoso disclose all the aspects of the claimed invention set forth in the rejection of claim 1 above.

Dixon does not explicitly show the method according to claims 1, 8, 15, 22, wherein the hub in the establishing step has connectivity to a packet switched network.

However, Adiwoso discloses Internet Access Point IAP is connected to gateway 30a (see lines 4-7, col. 5 and elements 30a, 37, Fig. 1).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to combine the two-way satellite telecommunications system of Dixon with the teaching of Adiwoso in connecting a hub to the Internet such that the hub in the establishing step has connectivity to a packet switched network. The motivation is do so is to provide a high-speed broadband connection that allows user terminals to access information available on the Internet.

Regarding claims 4, 11, 18, 25, the combined system of Dixon and Adiwoso disclose all the aspects of the claimed invention set forth in the rejection of claims 4, 10, 17, 24 above.

Dixon does not explicitly show the method according to claim 3, wherein the packet switched network is an IP (Internet Protocol) network.

However, Adiwoso discloses that gateway 30a is connected to the Internet via the Internet Access Point 37 (see Fig. 1) and the Internet supports TCP/IP protocol (Internet is a IP protocol network, see lines 407, col. 5).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to combine the two-way satellite telecommunications system of Adiwoso with the temporary channel creation of the satellite system in Dixon such that a temporary channel is created over the satellite to the gateway in Adiwoso to support TCP/IP protocol such as the temporary channel taught by Adiwoso. The motivation to do so is to allow Internet traffic to be communicated through the temporary channel between user terminals and destination web sites via the satellite for multimedia broadcast contents broadcast through the Internet.

3. **Claims 5, 12, 19, 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (USP 6,023,242) in view of Adiwoso et al. (USP 5,963,862), and in further view of Haugli et al. (USP 6,522,638).

Regarding claims 5, 12, 19, 26, the combined system of Dixon and Adiwoso disclose all the aspects of the claimed invention set forth in the rejection of claims 1, 8, 15, 22 above, except fail to disclose the method according to claim 1, wherein the network configuration parameters in the receiving step include IP address of the user terminal, and an IP address of a domain name server.

However, Haugli discloses a satellite network is used to allow a user at a mobile terminal to browse information on the Web via the Packet Processing and Network Operations Centre

(see elements 11, 13, 14, Fig. 1) where the IP address of the DNS server is obtained (see lines 40-50, col. 5). Although the Haugli does not explicitly disclose obtaining IP address of the mobile terminal, it is well known in the art teaching that the IP address of mobile terminal will also be collected in order for the mobile terminal and the DNS server to be communicated using the IP protocol.

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to modify the two-way satellite telecommunications system of Adiwoso such that the IP address of the mobile terminal and IP address of the DNS server will be received. The motivation is do so is to allow mobile terminals to communicate with web sites on the Internet because the mobile terminal needs to identify the corresponding DNS server in order to request the DNS server to map hostnames to IP addresses.

4. **Claims 6-7, 13-14, 20-21, 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (USP 6,023,242) in view of Adiwoso et al. (USP 5,963,862), and in further view of Pond (USP 5,860,056).

Regarding claims 6, 13, 20, 27, the combined system of Dixon and Adiwoso discloses all the aspects of the claimed invention set forth in the rejection of claims 1, 8, 15, 22 above. Dixon also discloses the antenna pointing parameters in the receiving step include satellite latitude (latitude 805, col. 9, lines 29-41 and Fig. 8).

The combined system of Dixon and Adiwoso does not explicitly show the antenna pointing parameters in the receiving step include satellite longitude, satellite polarization, satellite polarization offset, and satellite frequency.

However, Pond discloses a satellite system in which the antenna parameters comprise frequency of the satellite, the position of the satellite in specified in longitude, the polarity of the satellite and the polarization offset (see lines 42-44, col. 2, lines 31-41, col. 12, and lines 49-50, col. 4).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to modify the two-way satellite telecommunications system of Adiwoso such that the antenna pointing parameters in the receiving step include satellite longitude, satellite polarization, satellite polarization offset, and satellite frequency. The motivation is do so is to automatically gather, transfer, update, store, and utilize these satellite update information in satellite receivers in order to position the ground station antenna so that end users can receive all desired satellite radio signals.

Regarding claims 7, 14, 21, 28, the combined system of Dixon, Adiwoso, and Pond disclose all the aspects of the claimed invention set forth in the rejection of claims 6, 13, 20, 27 above.

Dixon and Pond do not explicitly show the method according to claim 6, wherein the user information in the collecting step include billing information account information, and service plan selection information.

However, Adiwoso discloses billing information (see lines 54-55, col. 4), account information (see lines 62-67, col. 9 and lines 1-3, col. 10) and service plan selection information (see lines 39-50, col. 3 and lines 50-64, col. 12).

Therefore, it would have been obvious to one person of ordinary skill in the art at the time the invention was made to modify the two-way satellite telecommunications the combined system of Dixon and Pond with the teaching of Adiwoso such that the user information in the collecting step include billing information account information, and service plan selection information. The motivation to do so is to allow the system to bill customers according to the usage information, account information, and service plan associated with each customer.

Response to Arguments

5. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument, as cited in the fourth paragraph of applicant's remarks, that Dixon fails to teach or suggest the use of a beacon satellite wherein the beacon satellite serves as a temporary default satellite during the commissioning, applicant's attention is directed to col. 6, lines 45-53 of the Dixon reference. Dixon discloses an earth station is configured to communicate with either non-geostationary satellites or geostationary satellites. It is well known to one of ordinary skill in the art that a beacon satellite is any satellite that is capable of monitoring telemetry data and tracking satellite signals with a ground/earth station. As a result, the non-geostationary satellite disclosed in Dixon reads on the "beacon satellite" limitation cited in claim 1. In addition, it is also well known in the art that non-geostationary satellites are usually launched on a temporary orbit. The non-geostationary satellites disclosed in

Dixon are considered as “a beacon satellite that serves as a temporary default satellite during the commissioning.”

In light of the aforementioned reasoning, claims 1-4, 8-11, 15-18, 22-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon (USP 6,023,242) in view of Adiwoso et al. (USP 5,963,862), claims 5, 12, 19, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon in view of Adiwoso et al., and in further view of Haugli et al. (USP 6,522,638), and claims 6-7, 13-14, 20-21, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon in view of Adiwoso et al., and in further view of Pond (USP 5,860,056).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WELLINGTON CHIN
ADVISORY PATENT EXAMINER